

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED
SEP 25 2018
Clerk, U.S. Courts
District Of Montana
Missoula Division

SHAWN SOBOTKA,

Plaintiff,

vs.

CATHY REDFERN, MEDICAL
SERVICES MANAGER, and DR.
KOHUT, DOCTOR,

Defendants.

CV 16-47-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Findings and Recommendations on August 2, 2018, recommending that all pending motions be terminated and this case be dismissed without prejudice pursuant to L. R. 5.2(b).

(Doc. 38 at 2.) Plaintiff did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C).

Absent objection, this Court reviews findings and recommendations for clear error.

United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc);

Thomas v. Arn, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left

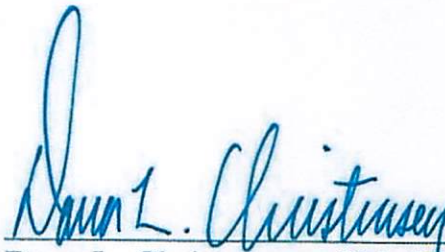
with a “definite and firm conviction that a mistake has been committed.” *United*

States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

The Court finds no clear error in Judge Johnston's determination that this action should be dismissed because Plaintiff has both failed to notify the Court of his change of address as ordered and to respond to Defendants' Motion for Summary Judgment (Doc. 30). Accordingly,

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 38) are ADOPTED IN FULL. All pending motions will be terminated and this action DISMISSED without prejudice pursuant to L. R. 5.2(b).

DATED this 25th day of September, 2018.



Dana L. Christensen, Chief District Judge
United States District Court